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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,519	11/29/2001	Natsuko Yotsumoto	450101-03635	3537

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745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2421

MAIL DATE	DELIVERY MODE
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01/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/996,519	<b>Applicant(s)</b> YOTSUMOTO ET AL.	
	<b>Examiner</b> SUMAIYA A. CHOWDHURY	<b>Art Unit</b> 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (6388714) in view of Shimazu (6721536) and Alperovich (6175741).

As for claim 1, Schein discloses an information processing apparatus comprising:

first acquisition means (receiver) for acquiring the first information (program schedule guide; col. 5, lines 22-35);

first registration means for registering the first subsidiary information required for acquiring said first information (The system requests the user's zip code and billing info in order to provide the program schedule guide service specific to the user's location; Fig. 5, col. 9, lines 1-22);

second acquisition means (receiver) for acquiring the second information (TV show, information related to the show, etc. col. 11, lines 20-39);

second registration means for registering the second subsidiary information required for acquiring said second information (col. 11, lines 20-39, col. 9, lines 18-22);

wherein the first acquisition means and the second acquisition means acquire information via distinct terminals relating to the information content (stored at distinct databases; col. 10, lines 24-34, col. 11, lines 19-35);

wherein subsidiary information content comprised of both first subsidiary information content and second subsidiary information content is stored in memory to be held after power down (User profile info is stored in memory; col. 9, lines 16-22);

verifying means for verifying whether or not said first subsidiary information or said second subsidiary information has already been registered (col. 9, lines 18-22).

wherein said first registration means or said second registration means using, if one of said first subsidiary information and said second subsidiary information is already registered, said one subsidiary information already registered for registration of the other subsidiary information (An automatic confirm may take place. A user may already have an identification number from previous system use. Confirmation of this identification number would allow the system to access stored user profile information which contains the user's billing data; col. 9, lines 18-22);

wherein functions of the information processing apparatus comprises a function of receiving a television broadcast (30 – fig. 1) from a broadcasting station and a function of connecting to Internet (22 – fig. 1) through an Internet service provider (col. 6, lines 17-21, col. 5, lines 35-50, col. 4, lines 54-60);

However, Schein fails to teach:

wherein correspondence relationships between cities and broadcast territories are stored in a link table;

wherein the name of the distinct terminals being closest to where the information processing apparatus is located is first displayed;

In an analogous art, Shimazu teaches storing a table which links addresses with its corresponding longitudinal and latitudinal information (Abstract, col. 3, line 50 – col. 4, line 15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Schein's invention to include the above mentioned limitation, as taught by Shimazu, in order to obtain information specific to the user's geographical area.

However, Schein and Shimazu fail to disclose:

wherein the name of the distinct terminals being closest to where the information processing apparatus is located is first displayed;

In an analogous art, Alperovich discloses:

Displaying business card information for addresses closest to the user's present location (col. 8, lines 1-15);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Schein and Shimazu's invention to include the

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abovementioned limitation, as taught by Alperovich, for the advantage of allowing the user to select from services available in the user's vicinity.

As for claim 2, Schein and Shimazu disclose the claimed limitations. In particular, Schein discloses:

said first acquisition means acquires the contents of the television broadcast as said first information (The Examiner is interpreting "the contents of the television broadcast" to refer to the television program's related broadcast information. In other words, the program guide lists the channel and time frame of the television program. Col. 9, lines 1-20; fig. 20);

said second acquisition means acquiring web contents as said second information from a server over the Internet (col. 11, lines 20-39).

As for claim 3, Schein and Shimazu disclose the claimed limitations. In particular, Schein discloses:

said subsidiary information is the information pertinent to the broadcast territories for setting the reception channel in said television broadcast (The computer contains a tuner to allow the user to view TV programs on a computer monitor. In order for the user to receiver TV programming specific to user's area, the user needs to enter in geographical information; col. 6, lines 16-25);

said second subsidiary information being the information pertinent to a provider for connection to said Internet (In order to access the program related information, user subscription which includes the user's zip code (second subsidiary information) is needed. col. 9, lines 1-23, col. 11, lines 19-35, col. 15, lines 13-30).

Claims 4 and 5 contain the limitations of claim 1 and are analyzed as previously discussed with respect to those claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/  
Examiner, Art Unit 2421